



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



January 18, 2007

Representative James G. Phinizy, Chairman
Environment and Agriculture Committee
Legislative Office Building, Room 303
Concord, NH 03301

RE: HB 98, an act relative to the situation of landfills on land owned by municipalities

Dear Chairman Phinizy and Members of the Committee:

HB 98 seeks to amend RSA 674:54 to require cities and towns owning land in another city or town and proposing to build a solid waste disposal facility on that land to adhere to the host community's land use regulations to the same extent as if the land were owned by a private entity. The New Hampshire Department of Environmental Services (DES) supports this bill.


Many New Hampshire cities and towns have developed Master Plans for their communities. RSA 674:2, I describes the purpose of a Master Plan as "...to set down as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the planning board, to aid the board in designing ordinances that result in preserving and enhancing the unique quality of life and culture of New Hampshire, and to guide the board in the performance of its other duties in a manner that achieves the principles of smart growth, sound planning, and wise resource protection."

RSA 674:54, as currently written, would allow a city or town owning land in another city or town and proposing to construct a project for governmental use on that land to bypass the host community Master Plan requirements of zoning and site plan review in favor of a system of notification and public hearing. This system would appear to frustrate the careful planning undertaken by the host community. HB 98 resolves this inequity by holding the city or town owning the land in another town to the same land use regulations as a private entity.

RSA 674:54, IV provides that, "In the event of exigent circumstances where the delay entailed by compliance with this section would endanger public health or safety, the governor may declare a governmental use exempt from the requirements of this section." DES believes this paragraph provides the necessary "failsafe" from the provisions of HB 98 for exceptional circumstances.

DES appreciates the opportunity to testify in favor of this bill. If you have any questions regarding this letter of testimony, please do not hesitate to call me or Tony Giunta at 271-2905.

Sincerely,

for 
Thomas S. Burack
Commissioner

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